

## **REMARKS**

### **I. INTRODUCTION**

Claims 1, 9, 15 and 16 have been amended to correct minor informalities. Claim 19 has been added to the present application. The Drawings have been replaced with the corrected Drawings. Therefore, claims 1-19 are now pending in the present application. Applicants respectfully submit that no new matter added has been added. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE OBJECTIONS TO DRAWINGS SHOULD BE WITHDRAWN**

The Examiner has objected to the Drawings. In view of the corrected Drawings been submitted herewith, Applicants respectfully request that the objection to the Drawings be withdrawn.

### **III. THE 35 U.S.C. §§ 102 & 103 REJECTIONS SHOULD BE WITHDRAWN**

The Examiner has rejected claims 1-6, 8 and 12-18 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,195,053 to Kodukula et al. ("the Kodukula patent"). In addition, the Examiner has rejected the following claims under 35 U.S.C. § 103(a) as obvious: claim 7 over the Kodukula patent in view of U.S. Patent No. 4,940,992 to Nguyen et al. ("the Nguyen patent"); claim 9 over the Kodukula patent in view of U.S. Patent 5,162,640 to Ishikawa ("the Ishikawa patent"); and claims 10 and 11 over the Kodukula patent in view of U.S. Patent No. 4,805,175 to Knowles ("the Knowles patent").

In order to render a claim anticipated under § 102, a single prior art reference must disclose **each and every element** of the claim in exactly the same way as recited in the claim. See Lindeman Maschinenfabrik v. Am Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from the prior art reference, there is no anticipation. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103, not only must the prior art teach or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir.), cert. denied 111 S.Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990).

Applicants' invention, as recited in independent claim 1, relates to a device which includes:

- a communication arrangement;
- a housing enclosing the communication arrangement, the housing having an opening formed therein;
- a cover mounted over the opening in the housing, the cover including a peripheral housing contacting portion which extends around the opening; and
- an antenna mounted within the housing contacting portion of the cover and spaced from the housing so that the antenna and the opening cooperate to handle signals for the communication arrangement.**  
(Emphasis added)

Independent claim 18 and newly added independent claim 19 include similar recitations.

The Kodukula patent relates to a symbology reader which includes an optical reading assembly received in a reading assembly housing and an antenna shaped to conform to at least a portion of the reading assembly housing and *in contact therewith*. (See the Kodukula patent, Abstract, Fig. 1). In particular, Fig.1 shows an optical reading assembly 110 which includes a reading assembly housing 111 with an optical window 112 formed therein. An antenna 120 is disposed proximally to the optical reading assembly 110. (See *Id.*, col. 3, lines

38-48). The structure of the reading assembly housing 111 is utilized for two purposes, both to house the optical reading assembly 110 and to support the antenna 120 which is coiled about the optical reading assembly 110. (See Id.). The antenna 120 may be in a form of (i) a U-shaped bracket, (ii) a sleeve for the optical reading assembly 110, (iii) a substantially planar member that forms a top of an enclosure or (iv) a housing for the optical reading assembly 410. (See Id., col. 3, line 64 - col. 4, line 37, Figs. 2, 3A, 3B and 4). In Fig. 5, the apparatus 500 has a space for inserting an optical reading assembly 510 therein. The space is lined with an antenna 520 which is formed to occupy the space proximal to the optical reading assembly 510 so that (i) the assembly 510 may fit into the apparatus 500 and (ii) the optical reading assembly 510 may be removed easily, yet still conserve space. (See Id., col. 4, lines 38-45, Fig. 5).

Applicants respectfully submit that the Kodukula patent does not illustrate or describe, nor does it suggest, a device which includes *an antenna mounted within a housing contacting portion of a cover and spaced from the housing so that the antenna and an opening cooperate to handle signals for a communication arrangement*, as recited in independent claims 1, 18 and 19. As described above, the Kodukula patent describes different embodiments of an antenna. All of the described embodiment are placed around the perimeter of the optical reading assembly in contact with the reading assembly housing. Applicants respectfully assert that none of the embodiments of the Kodukula patent discloses the antenna situated *within a reading assembly housing contacting portion of the optical reading assembly*. Furthermore, none of the Kodukula patent's embodiments either shows or suggests that the antenna is *spaced from the reading assembly housing*.

Thus, it is respectfully submitted that the Kodukula patent does not include any showing or suggestion of a device that includes an antenna which is *mounted within the housing contacting portion of the cover and spaced from the housing so that the antenna and the opening cooperate to handle signals for the communication arrangement*. It is therefore respectfully submitted therefore that claims 1, 18 and 19 are not anticipated by the Kodukula patent and that these rejections should be withdrawn. Because claims 2-6, 8 and 12-17 depend from and,

therefore, include all of the limitations of claim 1, it is submitted that these claims are also allowable.

Claims 7 and 9-11 depend from claim 1, thus, the arguments presented above in connection with claim 1 apply equally to these claims. Thus, for at least the reasons discussed above, neither the Kodukula patent, the Nguyen patent, the Ishikawa patent nor the Knowles patent, alone or in combination, render obvious any of claims 7 and 9-11. Therefore, Applicants respectfully request the §§ 102 & 103 rejections of claim 1-18 should be withdrawn.

#### IV. CONCLUSION

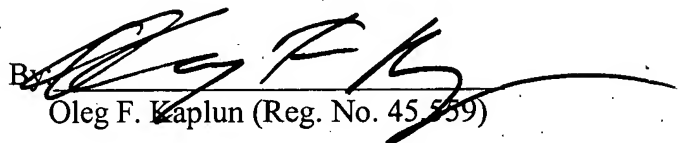
In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By:

  
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Tel: (212) 619-6000  
Fax: (212) 208-6819